

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PT DIAGNOSTICS, LLC,

Plaintiff,

v.

UNITED TECHNOLOGIES CORPORATION,

Defendant.

Civil Action No. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. §1 *et seq.* in which Plaintiff PT Diagnostics, LLC makes the following allegations against Defendant United Technologies Corporation.

PARTIES

1. Plaintiff PT Diagnostics, LLC (“PT”) is a Texas limited liability company having a principal place of business at 719 W. Front Street, Suite 242, Tyler, Texas 75702.

2. On information and belief, Defendant United Technologies Corporation (“UTC”) is a Delaware corporation with its principal office at One Financial Plaza, Hartford, Connecticut 06101. On information and belief, UTC does business as Pratt & Whitney, which on information and belief is an unincorporated division of UTC. UTC may be served via its registered agent, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, UTC is subject to this Court's specific and general

personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, UTC has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,567,729

6. Plaintiff PT realleges and incorporates by reference paragraphs 1-5 above, as if fully set forth herein.

7. Plaintiff PT is the owner by assignment of United States Patent No. 6,567,729 (“the ’729 patent”) entitled “System And Method Of Analyzing Aircraft Removal Data For Preventative Maintenance.” The ’729 patent was duly and legally issued by the United States Patent and Trademark Office on May 20, 2003. A true and correct copy of the ’729 patent is included as Exhibit A.

8. On information and belief, Defendant UTC, through its Pratt & Whitney division, has infringed and continues to infringe the ’729 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling preventative airplane maintenance products and services that process data gathered from the operation of airplanes. Such products and services include, by way of example and without limitation, Advanced Diagnostics & Engine Management (“ADEM”), which is covered by one or more claims of the ’729 patent, including but not limited

to claim 19. By making, using, importing, offering for sale, and/or selling such products and services that are covered by one or more claims of the '729 patent, Defendant UTC, through its Pratt & Whitney division, has injured PT and is thus liable to PT for infringement of the '729 patent pursuant to 35 U.S.C. § 271.

9. As a result of UTC's infringement of the '729 patent, Plaintiff PT has suffered monetary damages in an amount adequate to compensate for UTC's infringement, but in no event less than a reasonable royalty for the use made of the invention by UTC together with interest and costs as fixed by the Court, and Plaintiff PT will continue to suffer damages in the future unless UTC's infringing activities are enjoined by this Court.

10. Unless a permanent injunction is issued enjoining UTC and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '729 patent, Plaintiff PT will be greatly and irreparably harmed.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,732,027

11. Plaintiff PT realleges and incorporates by reference paragraphs 1-10 above, as if fully set forth herein.

12. Plaintiff PT is the owner by assignment of United States Patent No. 6,732,027 ("the '027 patent") entitled "System And Method Of Analyzing Operational Source Data." The '027 patent was duly and legally issued by the United States Patent and Trademark Office on May 4, 2004. A true and correct copy of the '027 patent is included as Exhibit B.

13. On information and belief, Defendant UTC, through its Pratt & Whitney division, has infringed and continues to infringe the '027 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing,

offering for sale, and/or selling preventative airplane maintenance products and services that process data gathered from the operation of airplanes. Such products and services include, by way of example and without limitation, ADEM, which is covered by one or more claims of the '027 patent, including but not limited to claim 14. By making, using, importing, offering for sale, and/or selling such products and services that are covered by one or more claims of the '027 patent, Defendant UTC, through its Pratt & Whitney division, has injured PT and is thus liable to PT for infringement of the '027 patent pursuant to 35 U.S.C. § 271.

14. As a result of UTC's infringement of the '027 patent, Plaintiff PT has suffered monetary damages in an amount adequate to compensate for UTC's infringement, but in no event less than a reasonable royalty for the use made of the invention by UTC, together with interest and costs as fixed by the Court, and Plaintiff PT will continue to suffer damages in the future unless UTC's infringing activities are enjoined by this Court.

15. Unless a permanent injunction is issued enjoining UTC and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '027 patent, Plaintiff PT will be greatly and irreparably harmed.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,959,236

16. Plaintiff PT realleges and incorporates by reference paragraphs 1-15 above, as if fully set forth herein.

17. Plaintiff PT is the owner by assignment of United States Patent No. 6,959,236 ("the '236 patent") entitled "System And Method Of Analyzing Operational Source Data." The '236 patent was duly and legally issued by the United States Patent and Trademark Office on October 25, 2005. A true and correct copy of the '236 patent is included as Exhibit C.

18. On information and belief, Defendant UTC, through its Pratt & Whitney division, has infringed and continues to infringe the '236 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling preventative airplane maintenance products and services that process data gathered from the operation of airplanes. Such products and services include, by way of example and without limitation, ADEM, which is covered by one or more claims of the '236 patent, including but not limited to claim 14. By making, using, importing, offering for sale, and/or selling such products and services that are covered by one or more claims of the '236 patent, Defendant UTC, through its Pratt & Whitney division, has injured PT and is thus liable to PT for infringement of the '236 patent pursuant to 35 U.S.C. § 271.

19. As a result of UTC's infringement of the '236 patent, Plaintiff PT has suffered monetary damages in an amount adequate to compensate for UTC's infringement, but in no event less than a reasonable royalty for the use made of the invention by UTC, together with interest and costs as fixed by the Court, and Plaintiff PT will continue to suffer damages in the future unless UTC's infringing activities are enjoined by this Court.

20. Unless a permanent injunction is issued enjoining UTC and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the '236 patent, Plaintiff PT will be greatly and irreparably harmed.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 7,359,777

21. Plaintiff PT realleges and incorporates by reference paragraphs 1-20 above, as if fully set forth herein.

22. Plaintiff PT is the owner by assignment of United States Patent No. 7,359,777

(“the ‘777 patent”) entitled “System And Method Of Analyzing Aircraft Removal Data for Preventative Maintenance.” The ‘777 patent was duly and legally issued by the United States Patent and Trademark Office on April 15, 2008. A true and correct copy of the ‘777 patent is included as Exhibit D.

23. On information and belief, Defendant UTC, through its Pratt & Whitney division, has infringed and continues to infringe the ‘777 patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, importing, offering for sale, and/or selling preventative airplane maintenance products and services that process data gathered from the operation of airplanes. Such products and services include, by way of example and without limitation, ADEM, is covered by one or more claims of the ‘777 patent, including but not limited to claim 10. By making, using, importing, offering for sale, and/or selling such products and services that are covered by one or more claims of the ‘777 patent, Defendant UTC, through its Pratt & Whitney division, has injured PT and is thus liable to PT for infringement of the ‘777 patent pursuant to 35 U.S.C. § 271.

24. As a result of UTC’s infringement of the ‘777 patent, Plaintiff PT has suffered monetary damages in an amount adequate to compensate for UTC’s infringement, but in no event less than a reasonable royalty for the use made of the invention by UTC, together with interest and costs as fixed by the Court, and Plaintiff PT will continue to suffer damages in the future unless UTC’s infringing activities are enjoined by this Court.

25. Unless a permanent injunction is issued enjoining UTC and its agents, servants, employees, representatives, affiliates, and all others acting or in active concert therewith from infringing the ‘777 patent, Plaintiff PT will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PT Diagnostics, LLC respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that UTC has infringed, directly and jointly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '729, '027, '236 and '777 patents;
2. A permanent injunction enjoining UTC and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '729, '027, '236, and '777 patents;
3. A judgment and order requiring UTC to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '729, '027, '236 and '777 patents as provided under 35 U.S.C. § 284; and
4. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: December 13, 2011

Respectfully submitted,

By: Mark L. Hogge

Matthew D. Orwig
Texas Bar No. 15325300
matthew.orwig@snrdenton.com
Basheer Y. Ghorayeb
Texas Bar No. 24027392
basheer.ghorayeb@snrdenton.com
Steven M. Geiszler
Texas Bar No. 24032227
steven.geiszler@snrdenton.com
SNR DENTON US LLP
2000 McKinney Avenue
Suite 1900
Dallas, TX 75201-1858, USA
T: (214) 259-0900
F: (214) 259-0910

Mark L. Hogge (Lead Attorney)
Admitted to Eastern District of Texas
mark.hogge@snrdenton.com
Shailendra Maheshwari
Admitted to Eastern District of Texas
shailendra.maheshwari@snrdenton.com
SNR DENTON US LLP
1301 K Street, N.W.
Suite 600, East Tower
Washington, DC 20005-3364, USA
T +1 202 408 6400
F +1 202 408 6399

**ATTORNEYS FOR PLAINTIFF
PT DIAGNOSTICS, LLC**